

1 **WO**

2
3
4
5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 Elseddig Elmarioud Musa,

10 Petitioner,

11 v.

12 United States of America,

13 Respondent.
14

No. CV-19-01676-PHX-DLR

ORDER

15
16 Petitioner Elseddig Elmarioud Musa was convicted and sentenced on 38 counts of
17 Health Care Fraud and 5 counts of Aggravated Identity Theft, and he moved to vacate, set
18 aside, or correct the sentence. The Court denied the motion in August 2021, and because
19 reasonable jurists would not disagree, also denied a certificate of appealability. (Doc. 45.)
20 Then, in September 2021, Musa filed an emergency motion to stay judgment of the clerk
21 pending appeal of that order. The Court denied relief in October 2021, explaining that
22 Musa merely rehashed the same arguments and was thus not entitled to relief or a certificate
23 of appealability for the exact same reasons as in the August appeal.

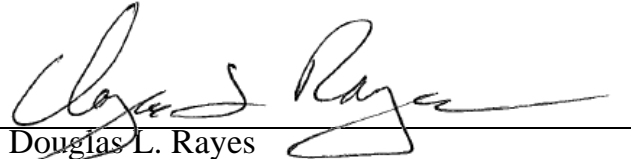
24 Musa has now filed a notice of appeal of that October 2021 order. (Doc. 54.) That
25 appeal is not viable because, as this Court now intones again: reasonable jurists would not
26 find the Court's reasoning in the August order debatable. Accordingly;

27 ///

28 ///

1 **IT IS ORDERED** that a certificate of appealability regarding the Court's
2 November 23, 2021 order denying Petitioner's emergency motion to stay judgment
3 pending appeal is **DENIED**.

4 Dated this 17th day of December, 2021.

5
6
7
8 
9 Douglas L. Rayes
United States District Judge
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28